IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17488 of 2007(F)

PETITIONER:

M/S K.V.MOOSAKOYA & COMPANY,
RATION WHOLESALE DEPOT, QUILANDY,
REPRESENTED BY ITS PARTNER, C.A.UMMER KOYA,
S/O K.V.MOOSA KOYA, RESIDING AT MARIYA NIVAS,
CHALAPPURAM, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

1. THE LABOUR COMMISSIONER,
THIRUVANANTHAPURAM.

2. THE DISTRICT LABOUR OFFICER,
KOZHIKODE(APPELLATE AUTHORITY APPOINTED UNDER
THE KERALA HEAD LOAD WORKERS ACT).

3. THE ASSISTANT LABOUR OFFICER,
QUILANDY, KOZHIKODE.

4. THE KERALA HEAD LOAD WORKERS WELFARE
BOARD, KOZHIKODE LOCAL COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, V.K.BUILDING,
CHEROOTTY ROAD, CALICUT.

BY G.P. SHIR.I.V.PRAMOD.
SHRI.KOSHY GEORGE, FOR R4.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.17488 of 2007

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Dated this the 7th day of June, 2007

J U D G M E N T

The petitioner is a wholesale ration dealer. He filed an appeal against the order of the third respondent under the Kerala Headload Workers' Act as HWA No.3038/2006. Since the present incumbent holding the office of the appellate authority was the one who considered some of the claims of the employees involved in the dispute, the petitioner sought transfer of his appeal to some other competent appellate authority, which was rejected by the 1st respondent. In fact the incumbent of the appellate authority himself made such a request. But it was not entertained by the 1st respondent. It is under the above circumstances that the petitioner has approached this court seeking the following relief:

> "i] Issue any other appropriate writ, order or direction transferring HWA.3038/2006 on the file of the 2nd respondent to any other competent officer having jurisdiction to hear the appeal."

2. 4th respondent appears through counsel. The learned Government Pleader appears on behalf of respondents 1 to 3.

3. Heard both sides.

4. In view of the facts stated in the writ petition, which are not disputed by the respondents, it is only appropriate that the 1st respondent transfers the petitioner's appeal to some other competent appellate authority. Accordingly, there would be a direction to the 1st respondent to see that Appeal No.HWA 3038/2006 pending before the 2nd respondent is heard by another competent appellate authority.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.